

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY**

RICHARD BROOKS GAMEZ,

Plaintiff,

v.

STATE OF NEW YORK, ET AL.,

Defendants.

Civil Action No. 08-160 (PGS)

ORDER

On January 7, 2008, Plaintiff filed three separate complaints, all under the civil action number above, against several defendants, including the States of New York and Florida and against various unnamed individuals. This Court has reviewed Plaintiff's submissions and finds:

WHEREAS all named defendants are states and are immune from suit in federal court under the Eleventh Amendment. *Lombardo v. Penn. Dept. Of Public Welfare*, 540 F.3d 190, 193 (3d Cir. 2008); and

WHEREAS all incidents listed in Plaintiff's complaints took place outside of New Jersey, and Plaintiff avers that he is a citizen of New York who has visited California, Florida, and Pennsylvania, but does not indicate whether he has ever visited New Jersey; and

WHEREAS this Court cannot find any defendant who has "purposefully avail[ed him or herself] of the privilege of conducting activities within the forum State, thus invoking the benefits and protections of its laws," which is necessary for this court to exercise personal jurisdiction. *Burger King Corp. v. Rudzewicz*, 471 U.S. 462, 475 (1985).

Good cause having been shown, it is hereby

ORDERED that this matter is DISMISSED in its entirety without prejudice for failure to state a claim upon which relief can be granted under Federal Rule of Civil Procedure 12(b)(6) and for lack of personal jurisdiction under Federal Rule 12(b)(2).

10/2/08

Peter Sheridan
PETER G. SHERIDAN
UNITED STATES DISTRICT JUDGE